

August 4, 1997

DURHAM, NORTH CAROLINA
MONDAY, AUGUST 4, 1997
7:30 P.M.

The Durham City Council met in regular session on the above date and time in the Council Chamber at City Hall with the following members present: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Absent: Council Members Cox and Engelhard.

Also present: City Manager P. Lamont Ewell, City Attorney Henry Blinder, City Clerk Margaret M. Bowers and Deputy City Clerk D. Ann Gray.

Mayor Kerckhoff called the meeting to order asking for priority items from the City Manager, City Attorney and City Clerk. **[No priority items]**

The Mayor asked if any council member(s) or citizen(s) wanted to pull any item(s) from the Consent Agenda for discussion later in the meeting. **[No items pulled from the Consent Agenda]**

Mayor Kerckhoff announced that a reception would be held on Tuesday, September 2, 1997, 6:30 p.m. at City Hall for City Manager P. Lamont Ewell and City Attorney Henry Blinder.

MOTION by Council Member Larson seconded by Council Member Griffin to approve the Consent Agenda was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time Of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Council Member McKissick stated he was in receipt of additional information relative to Consent Item 17 [Site Plan for Carmike Cinemas Expansion] and he requested that this item be pulled from the Consent Agenda to be discussed later in the meeting.

MOTION by Council Member McKissick seconded by Council Member Brown to reconsider the previous vote taken on the Consent Agenda **FAILED** at 7:46 p.m. by the following vote: Ayes: Mayor Kerckhoff and Council Members Brown, Griffin, Hyman and McKissick. Noes: Mayor Pro Tem Robinson and Council Members Langley, Clement, Miller, Larson and Wright. Absent: Council Members Cox and Engelhard.

[CONSENT AGENDA]

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**SUBJECT: USE OF FEDERAL ASSET FORFEITURE FUNDS TO PURCHASE
FURNITURE AND EQUIPMENT FOR THE POLICE DEPARTMENT**

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the purchase of furniture and equipment for the Police Department using Asset Forfeiture Funds in an amount not to exceed \$96,000 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: VOLUNTARY PURCHASE POLICY

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution to Implement the Voluntary Purchase Policy" was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8371

**SUBJECT: SERVICE PROVIDER CONTRACT AMENDMENTS FOR YEAR TWO OF
THE 1996-1998 JOB TRAINING PARTNERSHIP ACT PLAN FOR
DURHAM CITY AND COUNTY**

MOTION by Council Member Larson seconded by Council Member Griffin to approve and authorize the City Manager to execute contract amendments for the following service providers was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Employment Security Commission of Durham	\$40,993
ARC of North Carolina	70,400

**SUBJECT: BIDS - FRONT LOADING REFUSE COLLECTION VEHICLES,
CAROLINA ENVIRONMENTAL SYSTEMS, INC., AND CRANE
CARRIER COMPANY**

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MOTION by Council Member Larson seconded by Council Member Griffin to accept the bid from Carolina Environmental Systems, Inc. in the amount of \$443,835 for furnishing the City with three front loading refuse collection vehicles (Item No. 1); and

To accept the bid from the Crane Carrier Company in the amount of \$282,740 for furnishing the City with two integrated front loading refuse collection vehicles (Item No. 2) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

**SUBJECT: SANDY CREEK RECREATION SITE CONSULTANT CONTRACT -
COULTER HART JEWELL THAMES, PA**

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to enter into a contract with Coulter Hart Jewell Thames, PA in the amount of \$51,810, with a contingency of \$5,000, for the feasibility study, site inventory, site analysis, and schematic site plan for the Sandy Creek recreation site and trails at the abandoned New Hope Sewage Treatment Plant was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: HOLLOWAY PLACE HOME PROJECT

MOTION by Council Member Larson seconded by Council Member Griffin to approve the following work out arrangement for the Holloway Place Project was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

- a. The City accept a Deed in Lieu of Foreclosure from Churches for Action, and take title to and control of the property and to make any minor changes to the agreement as are consistent with the HOME Program and this City Council action.
- b. The City use \$356,000 of Housing Bond Repayment to reimburse HUD for the HOME funds expended on this

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project. This reimbursement of HOME funds will close out the HUD account before the funds expire. The reimbursed HOME funds will then be freed up for expenditure on other HOME eligible housing activities, so that the City will not lose the use of these funds.

- c. The \$356,000 of reimbursed HOME funds be approved for use in the City's existing Homeowner Rehabilitation Program before June 1, 1998.
- d. The City will list the two remaining completed houses with a qualified realtor and move as quickly as possible to sell the homes to owner-occupants.
- e. The Housing Department will take responsibility for developing a work out plan for the undeveloped portion of the Holloway Place property, to be presented to City Council at a future meeting.

SUBJECT: 1997-98 SUBRECIPIENT AGREEMENT - DURHAM COMMUNITY LAND TRUSTEES, INC., PHASE I OF WEST CHAPEL HILL STREET DEVELOPMENT PROJECT

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution authorizing the City Manager to execute a 1997-98 Community Development Block Grant (CDBG) Subrecipient Agreement with the Durham Community Land Trustees, Inc. to grant up to \$150,000 to fund Phase I of the West Chapel Hill Street development project for the period July 1, 1997 through June 30, 1998 to be contingent upon receipt of the 1997-98 Community Development Block Grant award from the U. S. Department of Housing and Urban Development was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8372

SUBJECT: 1997 SUBRECIPIENT AGREEMENT - GOOD WORK, INC.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution authorizing the City Manager to execute a Community Development Block Grant (CDBG) Subrecipient Agreement with Good Work, Inc. to grant up to \$89,000, utilizing \$67,000 from the 1997 CDBG award and a \$22,000 appropriation from the City's Economic Development functional team, to be used to provide assistance to low and

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moderate income individuals in starting and expanding small businesses for the period July 1, 1997 through June 30, 1998 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8373

SUBJECT: FISCAL YEAR 1997 COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARTNERSHIP FUNDING AGREEMENTS - SOUTHWEST CENTRAL DURHAM AND WALLTOWN NEIGHBORHOODS

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution authorizing the City Manager to execute the Fiscal Year 1997 Community Development Block Grant Agreement (\$1,793,000) and HOME Investment Partnership Agreement (\$827,000) with the U. S. Department of Housing and Urban Development for neighborhood improvements in the Southwest Central Durham and Walltown neighborhoods in addition to several Citywide projects was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8374

SUBJECT: PROPOSED PROPERTY EXCHANGE WITH AND PRIVATE SALE OF SURPLUS CITY PROPERTY TO CBC REAL ESTATE, INC.

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution authorizing the exchange of surplus City property for privately-owned property and the private sale of City property to CBC Real Estate, Inc. at fair market value was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8375

SUBJECT: PROPOSED CITY PROPERTY LEASE WITH CBC REAL ESTATE, INC. - DIAMOND VIEW OFFICE BUILDING

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MOTION by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute a lease with CBC Real Estate, Inc. for the lease of the former Durham Bulls Athletic Park player parking lot for an initial annual rental of \$3,960 for the construction of and use as a surface parking lot for the Diamond View office building proposed to be constructed on an adjacent property; and

To authorize the City Manager to make minor changes to the agreement that do not affect the rent, term or use as stated in the agreement was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: MAYOR'S NOMINATION TO HOUSING APPEALS BOARD

MOTION by Council Member Larson seconded by Council Member Griffin to approve the Mayor's nomination of Jane S. Davis to the Housing Appeals Board to represent "residence owner" category for a term to expire June 30, 1998 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: STREET CLOSING - EMILY STREET (SC97-3) - 983± SQUARE FOOT PORTION OF EMILY STREET, NORTH OF PIPER STREET

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution 1) declaring the intent of the City Council to consider permanently closing a 983± square foot portion of Emily Street, north of Piper Street, and 2) setting a public hearing on Monday, August 18, 1997 to consider closing a 983± square foot portion of Emily Street, north of Piper Street was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8376

SUBJECT: PUBLIC HEARING PERTAINING TO A LANDFILL

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MOTION by Council Member Larson seconded by Council Member Griffin to adopt a "Resolution Setting a Public Hearing Pertaining to a Landfill"--public hearing scheduled for Monday, August 18, 1997 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8377

SUBJECT: CONTRACT WITH ENVIRONMENTAL ENGINEERING AND TECHNOLOGY, INC. FOR PHASE IV ENGINEERING SERVICES FOR THE WILLIAMS WATER TREATMENT PLANT

MOTION by Council Member Larson seconded by Council Member Griffin to authorize the City Manager to execute a contract with Environmental Engineering & Technology, Inc. for engineering services related to rehabilitation of the Williams Water Treatment Plant; and

To adopt a "Resolution Exempting Williams Water Treatment Plant Phase IV Engineering Services Contract from G.S. 143-64.31" was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Resolution #8378

SUBJECT: CONTRACT ST-168, CALVERT PLACE, HABITAT LANE AND WEST CHAPEL HILL PARKING LOT

MOTION by Council Member Larson seconded by Council Member Griffin to reject all bids received for Contract ST-168 was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: SITE PLAN APPROVAL - CARMIKE CINEMAS EXPANSION

MOTION by Council Member Larson seconded by Council Member Griffin to approve a site plan for Carmike Cinemas Expansion,

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submitted by R. L. Horvath, consisting of a 9,251 square foot expansion to an existing 33,152 square foot movie theater with new parking facilities proposed on ±14.24 acres zoned SC(D) and O&I-1(D), located at 1800 Martin Luther King, Jr. Boulevard, southwest of the intersection with Shannon Road (Tax Map #434-2-7, 7C and 7D) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: STOP SIGNS - BUTTERWICK PLACE

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance authorizing the installation of a stop sign on Butterwick Place at Stoneybrook Drive, southeast corner was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Ordinance #11230

SUBJECT: PARKING PROHIBITION - JUNIPER STREET

MOTION by Council Member Larson seconded by Council Member Griffin to adopt an ordinance to prohibit parking at any time at the following locations:

- a. on the south side of Juniper Street in the area beginning at the west curb line of Driver Street, if extended, and extending for a distance of 105 feet westwardly; and
- b. on the south side of Juniper Street in the area beginning at the east curb line of Driver Street, if extended, and extending for a distance of 90 feet eastwardly

was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Ordinance #11231

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SUBJECT: Sidewalk - South Alston Avenue (West Side) from North Property Line of Tax Map 391-01-028 to Sherman Avenue - Setting Public Hearing to Consider Ordering the Improvement (Enabling Act Authority)

MOTION by Council Member Larson seconded by Council Member Griffin to adopt a resolution setting a public hearing on Monday, August 18, 1997 to consider ordering sidewalk improvement on South Alston Avenue (West Side) from north property line of Tax Map 391-01-028 to Sherman Avenue under the Enabling Act Authority was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: TIME PAYMENT PETITIONS

MOTION by Council Member Larson seconded by Council Member Griffin to approve the nine Time Payment Petitions listed below was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

1. Mamie Y. Addison - 6723 Russell Road - Water Lateral, Water main and Water Capital Facility Fee
2. Robert L. and Karen P. Anderson - 2725 W. Cornwallis Road - Sewer Lateral and Sewer Capital Facility Fee
3. Mellie C. Belvin - 318 S. Riverdale Drive - Sewer Lateral, Sewer Main and Sewer Capital Facility Fee
4. Donald F. and Angelika Burke - 4021 Kelly Drive - Sewer Lateral and Sewer Capital Facility Fee
5. Robert S. and Lois D. Cook - 3514 Cole Mill Road - Sewer Lateral, Sewer Main and Sewer Capital Facility Fee
6. John H. and Ollie W. Danford - 418 S. Riverdale Drive - Sewer Lateral, Sewer Main and Sewer Capital Facility Fee
7. Edward and Earnestine G. Hicks - 3909 Booker Avenue - Water Lateral and Water Capital Facility Fee
8. Edwin L. and Jean R. Sears - 2642 S. Alson Avenue - Water Lateral and Water Capital Facility Fee

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9. Ernest A. and Barbara K. Tilley - 2825 Beck Road - Water Lateral, Sewer Lateral, Water Capital Facility Fee and Sewer Capital Facility Fee

SUBJECT: RESCINDING TIME PAYMENT PETITION - 3119 APEX HIGHWAY, PROPERTY OF BERTHA S. ARCHER

MOTION by Council Member Larson seconded by Council Member Griffin to rescind City Council action of December 15, 1986, confirming a Time Payment Petition for a sewer lateral at 3119 Apex Highway (property of Bertha S. Archer) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: STREET ACCEPTANCE - GREYFIELD, STONEBRIDGE, CROOKED CREEK AND FORESTWOOD SUBDIVISIONS

MOTION by Council Member Larson seconded by Council Member Griffin to accept certain streets in the Greyfield, Stonebridge, Crooked Creek, and Forestwood Subdivisions, as listed below, for maintenance by the City of Durham was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

Greyfield Subdivision - Phase II

1. Greyfield Boulevard - from the end of the existing pavement @ STA 21 + 00 northward to the centerline of Juliette Drive (1,326')

Stonebridge Subdivision - Phase II

1. Valley Ridge Drive - from the end of Phase I (STA 8 + 00) westward thru the cul-de-sac (388')
2. Cedar Glen Drive - from the centerline of Valley Ridge Drive westward to the centerline of Bridgewood Drive (831')

Crooked Creek Subdivision

1. Creeks Edge Court - from the centerline of Crooked Creek Parkway north thru the cul-de-sac (915')

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Forestwood Subdivision Phases II & III

1. Lucas Drive - from the centerline of Booker Avenue southward thru the cul-de-sac (664')
2. Savi Court - from the centerline of Lucas Drive westward thru the cul-de-sac (220')
3. Inez Court - from the centerline of Larchwood Drive northward thru the cul-de-sac (391')
4. Larchwood Drive - from the end of the existing pavement (STA 11 + 00) west thru the cul-de-sac (1,255')
5. Rush Court - from the centerline of Ludgate Drive westward thru the cul-de-sac (326')
6. Hannah Court - from the centerline of Ludgate Drive eastward thru the cul-de-sac (239')
7. Albert Court - from the centerline of Buxton Street south thru the cul-de-sac (207')
8. Halyard Court - from the centerline of Buxton Street south thru the cul-de-sac (329')
9. Pedder Court - from the centerline of Buxton Street south thru the cul-de-sac (407')
10. Tranquil Road - from the centerline of Larchwood Drive north to the centerline of Buxton Street (1,217')
11. Ludgate Drive - from the centerline of Buxton Street south to the centerline of Larchwood Drive (1,256')
12. Ludgate Drive - from the centerline of Buxton Street north thru the cul-de-sac (752')
13. Buxton Street - from the centerline of Baker Street east to the end of the street (2,070')

SUBJECT: SITE PLAN APPROVAL - GROVE PARK, LINKSIDE PHASE II

MOTION by Council Member Larson seconded by Council Member Griffin to approve a site plan for Grove Park - Linkside Phages II, consisting of 157 single family lots proposed on 66.09 acres, zoned PDR-1.63 and F/J-B, located north of the intersection of Nichols Farm Drive and NC Highway 98 (Tax Map Numbers 632-1-2; 633-3-12, 15; and 668-1-4, 5, 5B) was approved at 7:38 p.m. by the following vote: Ayes: Mayor

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Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: SITE PLAN APPROVAL - GROVE PARK, LINKSIDE PHASE III

MOTION by Council Member Larson seconded by Council Member Griffin to approve a site plan for Grove Park - Linkside Phase III, consisting of 138 single family lots proposed on 37.27 acres, zoned PDR-1.63 and F/J-B, located on both sides of proposed Nichols Farm Drive, west of Stallings Road and north of NC Highway 98 (Tax Map Number 668-1-1, 2, 3, 4, 5, 5A, 7) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: SITE PLAN APPROVAL - KEYSTONE TECHNOLOGY PARK III

MOTION by Council Member Larson seconded by Council Member Griffin to approve a site plan for Keystone Technology Park III, consisting of a 78,800 square foot office building with 382 parking spaces proposed on 9.2 acres, zoned I-2, located east of Davis Drive, south of Hopson Road and north of Park Knoll Drive (Tax Map Number 583-3-13) was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

SUBJECT: CITY COUNCIL MINUTES - CITY CLERK'S OFFICE

MOTION by Council Member Larson seconded by Council Member Griffin to approve the official minutes of the regular June 16, 1997 City Council Meeting was approved at 7:38 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent At Time of Vote: Council Member Hyman. Absent: Council Members Cox and Engelhard.

[GENERAL BUSINESS AGENDA]

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SUBJECT: Sewer Main - Umstead Road from Riverdale Drive to Hallmark Road

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to an objection, City Engineer Ken Wright requested that the property of Kathern Hutchins be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Umstead Road from Riverdale Drive to Hallmark Road **and to refer the property of Kathern Hutchins to the Public Works Committee for further consideration** was approved at 7:48 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

SUBJECT: Sewer Main - Mineral Springs Road from Holder Road to South Property Line of Tax Map 637-1-6

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to objections, City Engineer Ken Wright requested that the following properties be referred to the Public Works Committee for further consideration: Inuius Noles; Susan Greene; and Jean Hill.

There being no further objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for sewer main on Mineral Springs Road from Holder Road to south property line of Tax Map 637-1-6 **and to refer the properties of Inuius Noles; Susan Greene and Jean Hill to the Public Works Committee for further consideration** was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

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SUBJECT: Curb, Gutter and Paving - Holman Street from Angier Avenue to Dead End

To adopt a resolution confirming the assessment roll for curb, gutter and paving on Holman Street from Angier Avenue to dead end.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to several objections, City Engineer Ken Wright requested that the entire assessment roll be referred to Public Works Committee for further consideration.

MOTION by Council Member Larson seconded by Council Member Miller to refer this matter to the Public Works Committee for further consideration was approved at 7:49 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

SUBJECT: Curb, Gutter and Paving - Belt Street from Morning Glory Avenue to Franklin Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for curb, gutter and paving on Belt Street from Morning Glory Avenue to Franklin Street was approved at 7:50 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

SUBJECT: Curb, Gutter and Paving - Primitive Street from Gurley Street to Queen Street

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Due to an objection, City Engineer Ken Wright requested that the property of Lee Ray Berman be referred to the Public Works Committee for further consideration.

There being no further objections and/or allegations, the

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public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution confirming the assessment roll for curb, gutter and paving on Primitive Street from Gurley Street to Queen Street **and to refer the property of Lee Ray Berman to the Public Works Committee for further consideration** was approved at 7:50 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

SUBJECT: Water Main - East Geer Street from End of Water Main to Red Mill Road and **Red Mill Road** from East Geer Street to Gorman Church Road

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering water main improvements on East Geer Street from end of water main to Red Mill Road and Red Mill Road from East Geer Street to Gorman Church Road was approved at 7:50 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

SUBJECT: Sidewalk - Holloway Street (South Side) from Brye Street to North Miami Boulevard (Enabling Act Authority)

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to adopt a resolution ordering sidewalk on Holloway Street (south side) from Brye Street to North Miami Boulevard under the Enabling Act Authority was approved at 7:51 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

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SUBJECT: ORDINANCE AMENDMENT FOR TEMPORARY TRANSFER STATIONS

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard. There being no objections and/or allegations, the public hearing was declared closed.

MOTION by Council Member Larson seconded by Council Member Miller to receive citizens' comments on a proposed "Zoning Ordinance Amendment Creating Temporary Transfer Stations as a Use in the City of Durham and Establishing Temporary Use Permits and Standards for Such Uses"; and

To adopt a "Zoning Ordinance Amendment Creating Temporary Transfer Stations as a Use in the City of Durham and Establishing Temporary Use Permits and Standards for Such Uses" was approved at 7:51 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

Ordinance #11232

SUBJECT: ZONING MATTER CASE P97-20, CRAIG DAVIS, SOUTHEAST CORNER OF MARTIN LUTHER KING, JR. PARKWAY AND UNIVERSITY DRIVE

Case: P97-20

Applicant: Craig Davis

Location: 33.7 acre site on the southeast corner of the Martin Luther King Jr. Parkway and University Drive (Tax Map 434, Block 02, Lots 001C partial, 002 partial and 002C)

Request: Rezoning from OI-2(D) (General Office and Institutional District with Development Plan) to OI-2(D) (Change in Development Plan)

To adopt an ordinance amending the Zoning Ordinance, the same being Chapter 24 of the Durham City Code, by taking the above described property out of OI-2(D) and placing same in and establishing same as OI-2(D) (Change in Development Plan)

Zoning Committee's Recommendation and Vote: Approval 7-0

City Manager's Recommendation: Approval

Note: Valid Protest Petition filed against this rezoning.

By letter, the applicant requested that this rezoning request be continued until the October 6, 1997 City Council Meeting.

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MOTION by Council Member Larson seconded by Mayor Pro Tem Robinson to continue the public hearing on this rezoning request without further advertisement until the October 6, 1997 was approved at 7:52 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

[OTHER MATTERS]

SUBJECT: EMPLOYEE BENEFITS PACKAGE

a. Health Care Insurance

MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to authorize the City Manager to execute a contract with Healthsource (POS), a fully insured plan and with WellPath (POS), a fully insured plan to provide health care services for the period from January 1, 1998 through December 31, 1998 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

b. Pharmacy Card Plan

To authorize the City Manager to execute a contract with Pharmacy Network of N.C. to provide for the administration of the self-funded pharmacy card services for the period from January 1, 1998 through December 31, 1998.

MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to continue until the Tuesday, September 2, 1997 City Council Meeting **[to be discussed at the August 28, 1997 Committee-of-the-Whole meeting]** was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

c. Employee Assistance Program (EAP) Services and Mental Health and Substance Abuse Care Plan Administration

MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to authorize the City Manager to execute a contract with Duke Occupational Mental Health Programs to provide an

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integrated Employee Assistance Program and the administration of the Mental Health and Substance Abuse Care Plan for the period from January 1, 1998 through December 31, 1998 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

d. Dental Care Plan

MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to authorize the City Manager to execute a contract with Delta Dental of N.C. for the administration of the self-funded Dental Care Plan for the period from January 1, 1998 through December 31, 1998 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

e. Term Life Insurance

MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to authorize the City Manager to execute a contract with Metropolitan Life Insurance to provide term life insurance for the period from January 1, 1998 through December 31, 1998 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

f. Auto/Homeowners Insurance

MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to authorize the City Manager to execute a contract with Met Life & Casualty to provide auto/homeowners insurance for the period from January 1, 1998 through December 31, 1998 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

g. Flexible Spending Accounts and Colonial Insurance Products

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MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to authorize the City Manager to execute a contract with Colonial Insurance Company and Benefits America to provide for the administration of the flexible spending accounts and to provide cancer, disability and Group Universal Life Insurance products for the period from January 1, 1998 through December 31, 1998 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

h. College Funding

MOTION by Mayor Pro Tem Robinson seconded by Council Member Miller to authorize the City Manager to execute a contract with Invest America to provide a college funding plan for the period from January 1, 1998 through December 31, 1998 was approved at 7:55 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

SUBJECT: SOLID WASTE REDUCTION

MOTION by Council Member Clement seconded by Mayor Pro Tem Robinson to discuss increasing the reduction in solid waste to 50% by year 2001 was approved at 7:56 p.m. by the following vote: Ayes: Mayor Kerckhoff, Mayor Pro Tem Robinson and Council Members Brown, Clement, Griffin, Hyman, Langley, Larson, McKissick, Miller and Wright. Noes: None. Absent: Council Members Cox and Engelhard.

Note: Discussion was held on this item at the July 31, 1997 Committee-of-the-Whole Meeting.

There being no further business to come before the Council, the meeting was adjourned at 7:56 p.m.

D. Ann Gray
Deputy City Clerk

Margaret M. Bowers, CMC
City Clerk